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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

COLBERT, ELLA

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/161,401

Applicant(s)

SUGIYAMA, MITSUMASA

Examiner

Ella Colbert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, and 14-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 3-12, and 14-31 are pending. Claim 15 has been amended in this communication filed 11/21/02 entered as Amendment C, paper no. 18.
2. The Claim Objection to claim 15 has been overcome by Applicant's amendment to the claim and is hereby withdrawn.
3. The Objection to the Specification has been overcome by Applicant's amendment to drawing fig. 1 (108), fig. 8 (S46) have been overcome by the Drawing Changes filed 11/21/02, entered as Drawing Changes, paper no. 17 and Applicant's fig. 2 (11), fig. 6 (S24) being pointed to in the Specification has been considered and the Objections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-12, and 14-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salkewicz et al (US 5,970,502), hereafter Salkewicz in view of Woodhill et al (US 5,649,196), hereafter Woodhill.

With respect to claims 1, 12, 23, and 26, Salkewicz teaches, a first copying means for copying data selected from a first database to a second database (col. 2, lines 39-50); and a determination means for determining if the attribute items of attribute

information appended to the data corresponds to each of the attribute items of the second database (col. 4, lines 55-67).

Salkewicz did not teach, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database.

Woodhill discloses, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database (col. 2, lines 20-38, col. 9, lines 49-67 and col. 10, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to combine Salkewicz's a first copying means for copying data selected from a first database to a second database and a determination means for determining if the attribute items of attribute information appended to the data corresponds to each of the attribute items of the second database

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with a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to modify in Salkewicz's because such a modification would allow Salkewicz to have a backup/restore system that is capable of operating on a networked computer system and capable of accommodating a large array of storage devices with the attribute item represented as regular data, attribute data, or a control list of data in a database.

With respect to claims 3, 10, and 14, Salkewicz and Woodhill did not teach,... copying the information of the attribute item does not correspond to any of the attribution items the second database to the predetermined item in a predetermined format indicating information of a mismatching attribute item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to ... copying the information of the attribute item does not correspond to any of the attribution items the second database to the predetermined item in a predetermined format indicating information of a mismatching attribute item and to modify in Salkewicz and Woodhill because such a modification is well known in the art when copying information of an attribute from a first database to a second database if the databases contain different information the attributes will not match. For example, if one database contains US patents and the other database contains Japanese patents, the patent numbers and the dates (attribute items) will not correspond (mismatched) when copied from the US patents database to the Japanese patents database

With respect to claims 4 and 15, Salkewicz did not teach, the predetermined format indicates an attribute item name and contents. Woodhill discloses, the predetermined format indicates an attribute item name and contents (col. 3, lines 52-63 & fig. 3, steps 40, 44, 48, 50, 52, 54, & 57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the predetermined format indicate an attribute item name and contents and to modify in Salkewicz because such a modification would allow Salkewicz to have a file identification (contents), a record type, a file location, a file name (attribute item).

With respect to claim 5, Salkewicz did not teach, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information. Woodhill discloses, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information (col. 9, lines 36-67 and col. 10, lines 1-12). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ... the second copying means detect attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information and to modify in Salkewicz because such a modification would allow Salkewicz to have at least one copy of the contents that is stored and if a disaster should destroy an entire site not all of the copies of the site's data would be destroyed.

With respect to claims 6, 11, 17, and 22, Salkewicz teaches, ... holding conversion information indicating a correspondence between attribute items of the first

and second databases and the determination means determines based on the conversion information indicating a correspondence between attribute items of the first and second databases (col. 7, lines 31-42) and wherein the determination means determines based on the conversion information if each of the attribute items of the attribute information appended to the data corresponds to each of the attribute items of the second database (col. 7, lines 43-49).

With respect to claims 7, 8, 18, 19, 24, 25, 27, and 28, Salkewicz teaches, the first copying means for copying data selected from a first database to a second database (col. 3, lines 52-63); ... determining if the attribute items of attribute information appended to the data can be set into the second database (col. 4, lines 60-67 and col. 5, lines 1-5); and information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon copying data from the backup database to one of the plurality of databases, recovering the attribute information on the basis of an attribute item name and contents thereof indicated by the information (col. 6, lines 8-60). Salkewicz did not teach, ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database. Woodhill discloses ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database (col. 2, lines 20-38 and col. 9, lines 49-67 and col. 10, lines 1-13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database and to combine Salkewicz's the first copying means for copying data selected from a first

database to a second database; ... determining if the attribute items of attribute information appended to the data can be set into the second database; and information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon copying data from the backup database to one of the plurality of databases, recovering the attribute information on the basis of an attribute item name and contents thereof indicated by the information with Woodhill's ... copying information of an attribute item determined by the determination step to not correspond to any of the items in a second database to a predetermined attribute item of the second database because such a modification in Salkewicz would allow the information to be converted from the first database to the second database and each first database or primary database to have a corresponding mirror database for backup or archiving and recovering information when a computer system failure occurs.

With respect to claims 9 and 21, Salkewicz did not teach, when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database. Woodhill discloses, when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database (col. 1, lines 27-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute information thereof to a predetermined attribute item in the second database and to combine Salkewicz's first copying means for copying data selected from a first database to a second database with Woodhill's when an attribute item which is not set in the conversion information is found, ... copying means copies the attribute item and attribute



information thereof to a predetermined attribute item in the second database and to modify in Salkewicz because such a modification in Salkewicz would allow Salkewicz to have a backup system that operates by making copies of a computer systems files on a special backup input/output device and the file name to be derived from the original file from the date/time of the backup operation.

With respect to claim 16, Salkewicz did not teach, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step. Woodhill discloses, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step (col. 10, lines 21-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to recover the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step and to combine Salkewicz's information recovery means for when attribute information stored in the predetermined attribute item in the predetermined format is detected upon copying data from the backup database to one of the plurality of databases with Woodhill's recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step and to modify in Salkewicz because such a modification would

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allow Salkewicz to have the backup copy maintained in the storage file for ultimate storage to magnetic tape or other low cost storage media.

With respect to claim 20, this dependent claim is rejected for the similar rationale given for claims 1, 6, 12, 23, 26, and 29.

With respect to claims 29-31, Salkewicz and Woodhill did not teach a control program comprising a code for performing the steps of claims 1, 7, and 8 as recited in claims 29-31, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a control program comprising a code because the central processing unit (CPU) performs the functions of reading and executing the program codes and a storage medium such as a CD ROM, a hard disk, a floppy disk, optical disk, and magnetic tape provides the program codes.

### ***Response to Arguments***

6. Applicant's arguments filed 11/21/02 have been fully considered but they are not persuasive.

1. Applicant argues: the applied art, namely Salkewicz and Woodhill, is not seen to disclose or suggest the foregoing features of independent claim 1. In particular, the applied art is not seen to disclose or suggest, when copying data selected from a first database to a second database, determining if each of attribute items of attribute information appended to the data corresponds to each of attribute items of the second database, and then copying information of an attribute item, which is determined to correspond to one or the attribute items of the second database, to a corresponding attribute item of the second database, and copying information of an attribute item that is determined not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database has been considered but is not

persuasive because it is interpreted that Salkewicz teaches, a first copying means for copying data selected from a first database to a second database (col. 2, lines 39-50- "... copying each segment to a storage device (from a first database) and transmitting the segment copy from the storage device to the second database"); and a determination means for determining if the attribute items of attribute information appended to the data corresponds to each of the attribute items of the second database (col. 4, lines 55-67). Salkewicz did not teach, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database.

Woodhill discloses, a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database (col. 2, lines 20-38, col. 9, lines 49-67 and col. 10, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to

combine Salkewicz's a first copying means for copying data selected from a first database to a second database and a determination means for determining if the attribute items of attribute information appended to the data corresponds to each of the attribute items of the second database with a second copying means for copying information of an attribute item, determined by the determination means to correspond to one of the attribute items of the second database, to a corresponding attribute item of the second database, and for copying information of an attribute item that is determined by the determination means not to correspond to any of the attribute items of the second database, to the predetermined attribute item of the second database and to modify in Salkewicz's because such a modification would allow Salkewicz to have a backup/restore system that is capable of operating on a networked computer system and capable of accommodating a large array of storage devices with the attribute item represented as regular data, attribute data, or a control list of data in a database.

2. Applicant argues: Applicant respectfully submits that Salkewicz and Woodhill, either alone or in combination, are not seen to provide any motivation or hint to reach the combination of the invention of independent claim 1 where it is determined if each of attribute items of the first database corresponds (matches) to each of attribute items of the second database, and information of an attribute item of the first database that is determined not to correspond (not to match or mismatch) to any of the attribute items of the second database is copied to a predetermined attribute item of the second database has been considered but is not persuasive based on the fact that as for example, if one database (the first database) contains U. S. patents with different patent numbers and dates (attribute items) and the Japanese database (second database) will

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not have patent numbers and dates that correspond (match) when copied from the first database to the second database. This is not a comparison but a copying from one database to another database where the attribute items do not correspond.

In conclusion: Applicant has failed to appreciate the breadth of the claims. In particular "the copying operation between the databases which have different sets of attribute items" ("where it is determined if each of the attribute items of the first database corresponds to each of the attribute items of the second database, and information of an attribute item of the first database that is determined not to correspond to any of the attribute items of the second database is copied to a predetermined attribute item of the second database").

Response to the argument regarding motivation: The motivation need not be expressed in a reference used to show obviousness. It is assumed that which is not taught in the reference relies to some extent on the knowledge of persons skilled in the art to complement that which is known and the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied reference.

Sources of Rationale Supporting a Rejection under 35 U.S.C. 103: Rationale may be in a reference, or reasoned from common knowledge in the art, scientific principles, art- recognized equivalents, or legal precedent. See MPEP 2144.

In this rejection of claim 1 and others above, for example under Section 103 of Title 35 of United States Code the Examiner carefully drew up a correspondence between the Applicants' claimed limitations and one or more referenced passages in

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Salkewicz and Woodhill. The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

**>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION**

*During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPO 541,550 (CCA 1969).<*

**Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

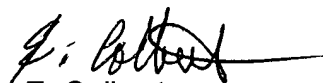
**Inquiries**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
E. Colbert  
January 29, 2003

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600